



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. Clinton Owsley, Director
Gas Utilities Division
Railroad Commission of Texas
Austin, Texas

Dear Sir:

Opinion No. 0-584A
Re: Concerns engaged in selling and installing butane gas appliances must be licensed.

In reply to your letter of May 10, 1940 requesting the opinion of this department regarding the requirement of a license under H. B. 792 enacted by the 46th Legislature for persons engaged only in selling and installing gas appliances, we are of the opinion that such license is required by the act. Section 2b, Subsection (1) provides:

"No person, firm or corporation shall, after the effective date of this act, engage in this state in the manufacture and/or assembly, sale or installation of any apparatus to be used in this state for the storage and/or dispensing of liquefied petroleum gas or to be used for any of the purposes enumerated in section 2a hereof . . ."
(italics added)

Referring to Section 2a of the Act, it provides:

"After the effective date of this act all containers and pertinent equipment installed for use in this state for storage and dispensing of liquefied petroleum gases for the purpose of providing gas for industrial, commercial, and domestic uses, shall be designed, constructed, equipped and installed as specified under the published regulations of the National Board of Fire Underwriters . . ." (italics ours)

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You have stated in personal conference that the gas appliances include gas stoves for heating and cooking as well as appliances for other incidental domestic use. Reference to Section 2a reflects that a license should be required for those engaged in the selling and installing of pertinent equipment used for the purpose of dispensing liquefied petroleum gas for domestic use.

Webster's New International Dictionary defines the word "dispense" among other things to mean distribute. Accordingly, we have no doubt that the appliances referred to, being used to distribute for domestic purposes, come within the purview of the act and all persons, firms or corporations engaged in the sale or installation of such apparatus must be licensed.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Hugh Q. Buck
Hugh Q. Buck
Assistant

HQB:lw

APPROVED JUL 23, 1940

George B. Mann
ATTORNEY GENERAL OF TEXAS

